

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

DEBORAH MARIGNY,

Plaintiff,

v.

MICHAEL J. ASTRUE,
Commissioner of the Social Security
Administration,

Defendant.

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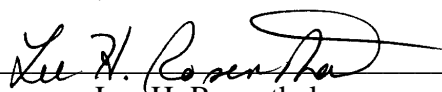
CIVIL ACTION NO. H-09-1776

**ORDER ADOPTING MEMORANDUM AND RECOMMENDATION AND
REMANDING CASE**

This court has reviewed the Memorandum and Recommendation on Cross-Motions for Summary Judgment of the United States Magistrate Judge signed on August 24, 2010 and made a *de novo* determination. Rule 72(b), Fed. R. Civ. P.; 28 U.S.C. § 636(b)(1)(C); *United States v. Wilson*, 864 F.2d 1219 (5th Cir. 1989). Based on the pleadings, the record, and the applicable law, the court adopts the Memorandum and Recommendation as this court's Memorandum and Order. This court finds and concludes that the Administrative Law Judge's decision denying social security benefits was not supported by substantial evidence and that remand is required so that the record may be developed fully. Accordingly, the plaintiff's motion for summary judgment is granted and that the defendant's motion is denied. This matter is remanded under sentence four of 42 U.S.C. § 405(g) to allow the plaintiff's claim to be consideration in light of an updated medical expert opinion and with consideration of the any side effects from the medications the plaintiff takes.

An order of remand is separately entered.

SIGNED on September 10, 2010, at Houston, Texas.



Lee H. Rosenthal
United States District Judge